

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Danny Lee Jones

**Docket No. 5:03-CR-50-1BO and
5:11-CR-361-1BO**

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Danny Lee Jones, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924, Possession of a Firearm by a Felon, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 21, 2003, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional condition:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Danny Lee Jones was released from custody on August 17, 2011, at which time the term of supervised release commenced. On September 23, 2011, a violation report was submitted to the court reporting the defendant tested positive for marijuana on September 20, 2011. As a result of this drug use, substance abuse counseling was increased and the court agreed to continue supervision.

A Motion for Revocation and Warrant for Arrest were filed on November 28, 2011, alleging the defendant had violated the conditions of his supervised release by committing the offense of Robbery with a Dangerous Weapon and using a controlled substance. On January 9, 2012, an Order Withdrawing Motion for Revocation and Warrant for Arrest was signed by the court after the probation officer received information from the investigating officer that the alleged victim provided false statements about the offense. The court agreed to continue supervision until the charge was resolved in state court. As of this date, the charge remains adjudicated. In reference to a positive urinalysis for marijuana dated November 14, 2011, mentioned in the Motion for Revocation, the court agreed to allow the defendant to continue in substance abuse counseling and testing upon his release from custody.

While serving the active imprisonment sentence in this case, the defendant pled guilty in the Eastern District of Kentucky to the offense of 18 U.S.C. § 1791(a)(2), Inmate in Possession of a Prohibited Object-Shank, and was sentenced by the Honorable Karen K. Caldwell, U.S. District Judge, on October 5, 2006, to the custody of the Bureau of Prisons for a term of 27 months to be served consecutive to any other term of imprisonment currently being served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

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1. The defendant shall participate in a substance abuse treatment program and shall submit to periodic drug and alcohol testing as the direction and discretion of the probation officer during the term of probation.
2. The defendant shall submit his person, residence and curtilage, office or vehicle to a search, upon direction and discretion of the United States Probation Office.
3. If the defendant does not complete the requirements to obtain his GED while incarcerated, he is directed to continue in such a program at the direction and discretion of the United States Probation Officer.

Danny Lee Jones was released from custody on August 17, 2011, at which time the term of supervised release commenced. Jurisdiction was transferred from the Eastern District of Kentucky to the Eastern District of North Carolina on December 1, 2011.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On April 3, 2012, the defendant tested positive for marijuana. When confronted with the results, he signed an admission acknowledging his use marijuana on April 3, 2012. The defendant was released from state custody on January 27, 2012, after posting bond on the Robbery With a Dangerous Weapon and Second Degree Kidnapping charges. Upon release, he was again referred to substance abuse counseling and enrolled in the Surprise Urinalysis Program. The defendant failed to report for any of his scheduled substance abuse appointments. This officer has scheduled an appointment for the defendant on April 9, 2012, with his substance abuse counselor. If he continues to fail to comply with counseling, we will request the court to schedule a revocation hearing. We will continue to monitor his drug use through urinalysis. To provide a punitive sanction for this conduct, we are recommending that the conditions of supervised release be modified to include 90 days of home confinement.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Eddie J. Smith
Eddie J. Smith
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: April 5, 2012

ORDER OF COURT

Considered and ordered this 5 day of April, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge